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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
AKIO KOSUGE, ET AL. : EXAMINER: CHEN, S. S.  
SERIAL NO: 10/661,569 :  
FILED: SEPTEMBER 15, 2003 : GROUP ART UNIT: 2852  
FOR: CHARGING DEVICE USING A :  
CHARGE ROLLER AND IMAGE  
FORMING APPARATUS INCLUDING  
THE SAME

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated October 8, 2004, applicants elect the invention of Species I, corresponding to Figures 1-4, identifying Claims 1-13 as readable on the elected invention.

The Restriction Requirement is respectfully traversed on two different grounds.

First, the Restriction Requirement is traversed based on MPEP §803, which states:

... If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

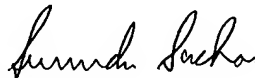
The claims of the present invention would appear to be part of an overlapping search area. Accordingly, the outstanding Restriction Requirement is respectfully traversed on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

The Restriction Requirement is further respectfully traversed based on the decision of the Director of the U.S.P.T.O. described in *In re Kase*, 71 USPQ2d 1063 (U.S.P.T.O. Director 2004) (unpublished). The *Kase* decision states that if no reasons are given to show why claims are independent and/or distinct other than a statement that the claims are directed to a different invention, then the Restriction Requirement is improper and should be withdrawn. See *Kase* at 1064.

As the claims of the present invention would appear to be part of an overlapping search area, and no reasons were given in the Restriction Requirement as to why the claims are independent and/or distinct, it is respectfully requested that the Requirement to elect a single invention be withdrawn, and that a full examination on the merits of Claims 1-49 be conducted.

Respectfully submitted,

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